

### **REMARKS**

Claims 1 – 20 are now pending in the application. Minor amendments have been made to the claims to simply overcome the rejections of the claims under 35 U.S.C. § 101. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 101**

Claims 11 – 20 stand rejected under 35 U.S.C. § 101. As applicants understand it, the basis for this rejection is that the claims fail to include in the body of the claims any positive recitation of the use a technological device to perform the various steps recited by the claims. Applicants have amended the independent claim of this group, claim 11 (and certain of the dependent claims as appropriate), to include in the body of the claim a recitation(s) directed to a computer networked system and its use to perform various of the steps recited in the claims. Applicants submit that the claims now satisfy the requirements of § 101.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1 – 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Borghesi et al. (U.S. Pat. No. 5,950,169) in view of Apte et al. (U.S. Pat. No. 5,970,464). Applicants respectfully traverse this rejection.

Claims 1 and 11 are the independent claims. Claim 1 is directed to a computer-implemented warranty knowledge base construction system. The Examiner takes the position that Borghesi discloses a computer-implemented warranty knowledge base construction system. Applicants submit that it does not. Borghesi is directed to a system and method for managing insurance claim processing. As such, it deals with processing an insurance claim. It does not, however, deal with a system that constructs the rules by which the claim is processed. [See, e.g., Borghesi et al., Abstract]

Claim 1 further requires a user interface for receiving a first rule related to vehicle repair claim processing. The Examiner cites Borghesi et al. col. 1, lines 44 – 55 as disclosing a user interface for receiving a first rule related to repair claim processing. But what this section of Borghesi et al. discusses is the calculation of a repair cost estimate in different ways. It does not discuss a user interface that receives a first rule related to repair claim processing.

The Examiner, acknowledging that Borghesi et al does not disclose the limitations of claim 1 that require a rules syntax data store that stores syntax rules for constructing repair claim-related rules, and a knowledge base generator module connected to the user interface and to the rules syntax data store for determining whether the first rule is in an acceptable syntax based upon the stored syntax rules, takes the position that such features are known in the art, citing to Apte et al. (col. 3, lines 5 – 33; col. 9, lines 4 - 28). Applicants submit that Apte et al. fails to disclose such features. Apte et al. is directed to data mining based underwriting profitability analysis. Col. 3, lines 5 – 33 of Apte et al., which the Examiner cites

as disclosing a rules syntax data store, discuss "running a data mining process on data in a data warehouse to "extract rules for statistically distinct subpopulations with homogenous pure premium characteristics based upon stand technology . . . ." [Apte et al., col. 3, lines 20 – 28]. Apte et al. then goes on to discuss that a "business analysis client 201 receives data from the data mining server kernel 102, and the risk group defined by the book of business is segmented into distinct segments by utilizing the pure premium rules extracted by data mining and historical claims and policy data. This generates several outputs. For example, a marketing output 202 might identify new opportunities, an actuarial output 203 might be an estimation of improved profitability, and an underwriting output 204 might suggest enhanced exception management." [Apte et al., col. 3, lines 34 – 43] Thus, at best this section of Apte et al. discloses extracting rules. It does not, however, disclose a rules syntax data store that stores syntax rules for constructing repair claim-related rules.

The Examiner cites to Col. 9, lines 4 – 28 of Apte et al. as disclosing a knowledge generator module connected to the user interface and to the rules syntax data store for determining whether the first rule is in an acceptable syntax based upon the stored syntax rules. This section of Apte et al. discusses the flow diagram of Fig. 14, which is a flow diagram of the client/server scenario analysis process. [Apte et al., col. 9, lines 4, 5] The scenario analysis subsystem allows a user to determine the value of a P & C insurance product by specifying it to the system, and having the system provide critical business information about the product, segment by segment. [Apte et al., col. 8, lines 54

– 67] While Fig. 14 references testing a selected rule to a selected data set, it does so in the context of segmenting a specified data set by eligibility criteria and a rule set. As discussed in this section of Apte et al:

FIG. 14 is the flow diagram of the client/server scenario analysis process. The user specified data set, rule set, and product eligibility data are input in function block 1601. This is done by accessing local rule sets in client store 1602, rule sets in server store 1603 and meta-data in meta-data store 1604. The specified data set is segmented by eligibility criteria and the rule set in function block 1605. This is done by accessing data in server data store 1606 and making a call to the server to test the selected rule set to a selected data set in function block 1607. This is done by accessing data from the client local store 1602, the server store 1603, the meta-data store 1604 and the data store 1606. Then, in function block 1608, the segmentation table is displayed. The user is given three choices in user selection block 1609. The user can either select a column in selection block 1610, select a row in selection block 1611, or select a column in selection block 1612. If the user selects a column in selection block 1610, the table is resorted in function block 1613 and a return is made to function block 1607 to display the resorted table if the user selects a row, the rule editor on the rule is called in function block 1614 and a return is made to function block 1608. If the user selects a column in selection block 1612, the rule editor on eligibility criteria is called in function block 1615 and a return is made to function block 1608.

The scenario analysis result will first report on the gross statistics on how the product rule set covered the database, and within this coverage, using the base model, will be a detailed segmentation report that breaks down the coverage into individual segments, listed by the segments' coverage, percentage coverage, severity estimate, frequency estimate, pure premium, loss ration, and other entries that may be of interest. In addition, the screen will permit the table to be sorted by any of these columns. This "what-if" style scenario analysis will assist the users to identify problems and opportunities with existing as well as new P&C products. [Apte et al., col. 9, lines 4 – 39]

There is no discussion, however, of determining whether any rule, let alone a rule which was received via a user interface, is in an acceptable syntax based upon stored syntax rules.

For these reasons, applicants submit that claim 1 is allowable over Borghesi et al. in view of Apte et al.

Amended claim 11 is directed to a computer-implemented warranty knowledge base construction method. As discussed above with respect to claim 1, Borghesi et al. is directed to a system and method for managing insurance claim processing. As such, it deals with processing an insurance claim. It does not, however, deal with a system that constructs the rules by which the claim is processed.

Amended claim 11 also requires receiving with a computer networked system a first rule related to vehicle repair claim processing. The Examiner cites Borghesi et al. as disclosing this limitation. For reasons similar to those discussed above with respect to claim 1, applicants submit that Borghesi et al. does not disclose receiving with a computer networked system a first rule related to vehicle repair claim processing.

Amended claim 11 also requires storing syntax rules in the computer networked system for constructing repair claim-related rules, and determining with the computer networked system whether the first rule is in an acceptable syntax based upon the stored syntax rules. For reasons similar to those discussed above with respect to claim 1, applicants submit that Apte et al. fails to disclose these limitations.

For these reasons, applicants submit that amended claim 11 is allowable over Borghesi et al. in view of Apte et al.

Claims 2 – 10 depend directly or indirectly from independent claim 1 and are allowable for at least that reason.

Claims 12 – 20 depend directly or indirectly from amended independent claim 11 and are allowable for at least that reason.

### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

Respectfully submitted,

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